

# **DOJ and Delaware Police Chiefs Publish Model Policies For Custodial Interrogations and Eyewitness Identifications**

## ***Goal To Improve Accuracy and Fairness in the Criminal Justice System***

The Delaware Department of Justice and the Delaware Police Chiefs Council have developed and published model policies for custodial interrogation and eyewitness identification procedures that can be adopted by police agencies statewide, part of an effort to ensure fairness and accuracy in the criminal justice system.

“The eyewitness identification of suspects and the methods used to interrogate suspects in custody are two areas where research has indicated that research based, standardized practices are important to getting accurate results in the criminal justice system,” Attorney General Matt Denn said. “Working with the Delaware Police Chiefs Council to determine the best practices from the around the country, we have developed and recommend these become uniform practices among Delaware law enforcement agencies.”

“We in law enforcement need to do everything possible to ensure we are arresting the person responsible for committing the crime. These two model policies help ensure that is in fact what we are doing. I encourage all Delaware law enforcement agencies to adopt these best practices immediately, if they have not already done so,” Camden Police Department Chief and chairman of the Delaware Police Chiefs

Council William Bryson said.

The model policies were distributed to police agencies earlier this year and have been available on the DOJ website at <https://attorneygeneral.delaware.gov/law-enforcement/>.

Attorney General Denn said that the policies' public availability should encourage local police agencies to implement them.

Important components of the state's model custodial interrogation policy include:

- A requirement that all custodial interviews be recorded.
- A requirement that both the questioner and the suspect be videotaped, if the department has sufficient equipment to allow for this occur.
- A requirement that recording begin as soon as a suspect enters the interview room, and continue uninterrupted until the interrogation is complete.
- These requirements are subject to certain specific exceptions, such as a suspect's request that an interview not be recorded.

Important components of the state's model eyewitness identification model policy include:

- Discouraging the use of "show up" or "field" identifications of suspects by eyewitnesses and instead encourages the use of photographic or formal in-person line-ups.
- Strict guidelines for situations when a show-up identification must be used, such as a requirement that the suspect not be shown to the eyewitness in any type of restraints.
- A requirement that photo array identifications be overseen whenever possible by a person who does not know the actual identity of the suspect, and when that is not possible, that the witness be given individual folders

with single photos to review and that the witness review them in a fashion that the law enforcement officer cannot see the pictures.

- A requirement that photo array identifications be videotaped whenever possible, and that an explanation be provided for any that are not videotaped.
- A requirement that the witness indicate the level of certainty he or she has with respect to the identification being made.